

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 4, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-33 – Revises the zoning regulations governing small wind energy systems. (TXT-33703) Sponsored by: Councilman Steven D. Ross

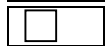
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will revise the zoning regulations governing small wind energy systems, expanding the zoning districts and circumstances in which such systems may be used in connection with both residential and nonresidential development. The revisions are consistent with State law, as well as with City plans and policies that encourage the use of alternative energy sources. The revisions include provisions to ensure that the use of such systems is compatible with surrounding uses.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2009-33

Motion made by STAVROS S. ANTHONY to Approve as First Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

FLINN FAGG, Planning and Development Department, explained that this bill would change current City regulations regarding wind energy systems. Wind energy systems would be allowed in some commercial districts, there would be no minimum parcel size requirement and the setbacks would be different if the parcel is less than or greater than 20,000 square feet. When a parcel is less than 20,000 square feet, the wind energy system would be required to be installed on the principal structure.

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COUNCILMAN ROSS thanked staff for bringing this bill to the Recommending Committee and he thanked the Planning Commission for their hard work. He explained that this bill is an important symbol in establishing the City as a leader in sustainability. He proposed several amendments which included allowing the homeowner, a structural engineer or contract to decide whether or not to place the wind energy systems on the principal structure. Homes that are not currently up to Code would not be able to participate in this program without this change. He recommended that a Special Use Permit be required for wind energy systems on parcels smaller than 20,000 square feet or if more than one wind energy system is desired on the property. This will ensure the neighbors receive adequate notification. He also made several recommendations on the appropriate height of the systems for each zoning designation and stated he would provide his proposed amendments to CHIEF DEPUTY CITY ATTORNEY VAL STEED.

MR. FAGG suggested allowing staff an opportunity to rewrite the ordinance to verify that it reads correctly and COUNCILMAN ROSS expressed his opposition to holding the bill in abeyance. He explained that several months of work have gone into this bill and recommended moving it forward.

In response to COUNCILMAN BARLOW'S question, MR. FAGG explained that if a homeowner wished to install a wind energy system attached to the primary structure, that use would be allowed as a conditional use.

In response to COUNCILMAN ANTHONY'S inquiry, COUNCILMAN ROSS explained that there are several different wind energy systems with the typical system consisting of a pole with a wind generator and a propeller. He pointed out that the technology has improved and reduced the noise generated by the system. NANCY TABOR, McLane Electric, thanked staff for their hard work on this bill and shared pictures of different wind energy systems with COUNCILMEN BARLOW and ANTHONY. She noted that several customers were interested in this technology and were waiting for changes in the Code which would allow them to take advantage of the rebate programs supporting renewable energy.

CHIEF DEPUTY CITY ATTORNEY STEED suggested that the language requiring the Special Use Permit is unnecessary as the Code currently requires a Special Use Permit if a property owner cannot obtain a conditional use permit due to special circumstances. He noted that this ordinance could not address Building Code issues, but COUNCILMAN ROSS' other proposed changes could be discussed during the City Council meeting.